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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,034	12/01/2003	Oleg Shikhman	INE-0061D1	4728
23413	7590	10/06/2006	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ANDERSEN, MICHAEL T	
			ART UNIT	PAPER NUMBER

3734

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,034

Applicant(s)

SHIKHMAN ET AL.

Examiner

M. Thomas Andersen

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgement is made of the claim to benefit of divisional application number 10/037,899, filed on 10/22/2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-15** are rejected under 35 U.S.C. 102(a) as being anticipated by **Hillstead**, U.S. Patent No. **6,830,174**.

Claims 1-7, 10-11: Hillstead discloses a trigger member 164 and a safety button 166 that prevents motion of the trigger member until the safety button is depressed. The trigger member is pivotable within a first side and a second side. The safety button includes pins (172 or the top of 166) extending through the first and second sides. Springs 176 and 170 (figure 2) can be said to surround the pins. The safety button includes two ribs 172 (both sides of safety button 166) and the central portion 166 is considered the central or middle rib. Gaps separate these three ribs, as can be seen in figure 12.

Claims 8-9: The trigger member includes a safety button engaging member (figure 13) wherein when the safety button is not pressed, the engaging member abuts

the central rib when an attempt is made to move the trigger. When depressed, the trigger member can be said to slide between the pair of ribs 172. The safety button engaging member can be considered hook shaped (figure 13).

Claims 12-13: The handle includes "pockets" or open spaces to house the springs 176 and 170. The pockets are large enough to house the pins and springs. Further, the trigger member 164 includes a spring receiving member (figure 17), and the handle assembly further comprises a trigger spring connected between the spring receiving member of the trigger and a protrusion within either of the sides (figure 17).

Claims 14-15: Hillstead further discloses an adjustment screw 136 that is capable of being shortened or lengthened only prior to securing the first side to the second side. The length of adjustment screw 136 determines the initial length of rod 118 extending from a distal end of the handle assembly.

Claims **1-3**, **6-7** and **13** are rejected under 35 U.S.C. 102(b) as being anticipated by **Nobis**, U.S. Patent No. **5,137,198**.

Claims 1-3: Nobis discloses a trigger member 3 and a safety button 5, wherein the trigger member is not movable until the safety button is depressed. The trigger member is pivotable between the first and second sides of the handle assembly. The safety button includes a pin 121 having an engageable end and extending through either side of the handle assembly (figure 4).

Claims 6-7: The safety button includes ribs with gaps therebetween (figure 4).

Claim 13: Figure 4 shows a spring (near 55) and a corresponding spring receiving member. The spring is connected to the handle and the trigger member.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Thomas Andersen whose telephone number is (571) 272-8024. The examiner can normally be reached on M-F 8AM-4:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Thomas Andersen

September 12, 2006



MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER